

-FILED-

OCT 26 2022

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

At GARY T. BELL, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
[Use this form to sue for employment discrimination. NEATLY print in ink (or type) your answers.]

DAVID L WASHINGTON

[You are the PLAINTIFF, print your full name on this line.]

v.

MAVIS TIRE AND BRAKES

[The DEFENDANT is who you are suing.]

Case Number 2:22cv314

[For a new case in this court, leave blank.

The court will assign a case number.]

[The top of this page is the caption. Everything you file in this case must have the same caption.
Once you know your case number, it is VERY IMPORTANT that you include it on everything you send
to the court for this case. DO NOT send more than one copy of anything to the court.]

EMPLOYMENT DISCRIMINATION COMPLAINT

1. My address is: 5650 CONNECTICUT STREET

MERRILLVILLE IN 46410

2. My telephone number is: (219) 310-0842

3. The Defendant's address is: MAVIS TIRE AND BRAKES C/O JIM GANNON -HR DIRECTOR

358 SAW MILL RIVER RD, MILLWOOD, NY 10546

4. This action is brought for employment discrimination pursuant to:

Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e-17.

[race, color, gender, religion, national origin]

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621 to 634.

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12112 to 12117.

Other: _____

5. I filed a charge of discrimination with the Equal Employment Opportunity Commission or the
Indiana Civil Rights Commission on: _____

6. The date on my Notice of Right to Sue letter is: _____

7. The date I received my Notice of Right to Sue letter was: 10/21/2022

[DO NOT write in the margins or on the back of any pages. Attach additional pages if necessary.]

CLAIMS and FACTS

DO: Write a short and plain statement using simple English words and sentences.

DO NOT: Quote from cases or statutes, use legal terms, or make legal arguments.

DO: Explain when, where, why, and how the defendant discriminated against you.

DO: Include every fact necessary to explain your case and describe your injuries or damages.

DO: Number any documents you attach and refer to them by number in your complaint.

DO NOT: Include social security numbers, dates of birth, or the names of minors.

DO: Number your paragraphs. [*The first paragraph has been numbered for you.*]

1. I began my employment with Respondent in or around 2017. My most recent position was Regional Training Manager. During my employment, my job performance was scrutinized, and I was demoted. Subsequently, in or around May 2021, I was constructively discharged.

2. I believe I have been discriminated against my age, 57 (YOB: 1963), and in retaliation for engaging in protected activity, in violation of the Age Discrimination in Employment Act of 1967, as amended.

3. I believe I was discriminated against because of my race, Black, in violation of Title VII of the Civil Rights Act of 1964, as amended.

[DO NOT write in the margins or on the back of any pages. Attach additional pages if necessary.]

RELIEF – If you win this case, what do you want the court to order the defendant to do?

1. COMPENSATION FOR SALARY, WAGES, BENEFITS, WORK RELATED EXPENSES, AND OTHERS

FROM TIME OF LOST AND UNTIL PRESENT.

2. COMPENSATION FOR PAIN AND SUFFERING AND EMOTIONAL STRESS.

DOCUMENTS – I have attached a copy of the following documents:

Charge Of Discrimination form filed with the Equal Employment Opportunity Commission or the Indiana Civil Rights Commission

Notice of Right to Sue letter

Other: _____

FILING FEE – Are you paying the filing fee?

Yes, I am paying the \$402.00 filing fee. I understand that I am responsible to notify the defendant about this case as required by Federal Rule of Civil Procedure 4. [If you want the clerk to sign and seal a summons, you need to prepare the summons and submit it to the clerk.]

No, I am filing a Motion to Proceed In Forma Pauperis and asking the court to notify the defendant about this case.

[Initial Each Statement]

____ I will keep a copy of this complaint for my records.

____ I will promptly notify the court of any change of address.

____ I declare under penalty of perjury that the statements in this complaint are true.


Signature

10-26-2022
Date

DISMISSAL AND NOTICE OF RIGHTS

To: **David L. Washington**
5650 Connecticut Street
Merrillville, IN 46410

From: **Chicago District Office**
230 S. Dearborn
Suite 1866
Chicago, IL 60604



*On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(e))*

EEOC Charge No.

EEOC Representative

Telephone No.

440-2021-03957

Marina Ravelo,
Investigator

(312) 872-9746**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.
- The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

On behalf of the Commission

Julianne Bowman/np7/27/2021

Enclosures(s)

Julianne Bowman,
District Director

(Date Issued)

cc:

MAVIS TIRE AND BRAKES
 c/o Jim Gannon-HR Director
 358 Saw Mill River Rd
 Millwood, NY 10546